

PATENT  
Attorney Docket No.: A-58762-20 (468267-00034)/RMS/RMK/CYO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MEADE, et al.

Serial No. 09/866,067

Filed: May 23, 2001

For: NUCLEIC ACID MEDIATED  
ELECTRON TRANSFER

Examiner: Zitomer, S.

Art Group No. 1655

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on:

Date:

January 30, 2003

Signature

Mary M. McFarland  
Mary McFarland

TERMINAL DISCLAIMER  
TO OBVIATE A DOUBLE PATENTING REJECTION

Commissioner of Patents  
Washington, DC 20231

Sir:

Petitioner, **The California Institute of Technology** (hereinafter "Caltech"), represents that it is the assignee of the entire right, title, and interest of

- (1) the instant application, Serial No. 09/866,067, filed May 23, 2001, which is a continuing application of Serial No. 09/454,498 filed December 6, 1999, issued July 31, 2001 as U.S. Patent No. 6,268,149; which is a continuing application of Serial No. 08/946,679, filed October 8, 1997, issued July 11, 2001 as U.S. Patent No. 6,087,100; which is a continuing application of 08/709,263, issued July 14, 1998 as U.S. Patent 5,780,234; which is a continuing application of Serial No. 08/166,036, filed December 10, 1993, issued January 7, 1997 as U.S. Patent 5,591,578; and
- (2) Co-pending Patent Application Serial No. 09/306,749, filed May 7, 1999 which is a continuing application of Serial No. 08/873,598, filed June 12, 1997, issued September 14, 1999 as U.S. Patent No. 5,952,172; which is a continuing application of Serial No. 08/660,534, filed June 7, 1996, issued

June 23, 1998 as U.S. Patent No. 5,770,369; which is a continuing application of Serial No. 08/475,051, filed June 7, 1995, issued October 20, 1998 as U.S. Patent No. 5,824,473; which is a continuing application of Serial No. 08/166,036, filed December 10, 1993, issued January 7, 1997 as U.S. Patent No. 5,591,578.

Assignments are recorded in the United States Patent and Trademark Office for U.S.S.N. 08/166,036 at Reel/Frame 6862/0211; for U.S.S.N. 08/475,051 at Reel/Frame 7660/0201; for U.S.S.N. 08/660,534 at Reel/Frame 8093/0509; and for U.S.S.N. 08/873,598 at Reel/Frame 8866/0897. Copies of the assignments are attached to this Terminal Disclaimer.

Caltech hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Application Number 09/306,749, filed May 7, 1999.

Caltech hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the pending Application Serial No. 09/306,749 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Caltech does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154-156 and 173 of any patent granted on pending Application Serial No. 09/306,749, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent on pending Application Serial No. 09/306,749 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to its grant.

The undersigned is empowered to act on behalf of the petitioner/assignee. The undersigned has reviewed the evidentiary documents in the chain of title of the present application identified above, and certifies that, to the best of assignee's knowledge and belief, title is in the assignee Caltech.

I, the undersigned, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that willful, false statements may jeopardize the validity/enforceability of the application or any patent issued thereon.

Dated: 30 January 2003By: 

Adam Cochran  
Intellectual Property Counsel  
California Institute of Technology